

IN RE: PETITION FOR ADMIN. VARIANCE * BEFORE THE
NE/S Engleberth Road, 21,112' S *
of Holly Neck Road * ZONING COMMISSIONER
(1123 Engleberth Road) *
15th Election District * OF BALTIMORE COUNTY
5th Councilmanic District *
Eugene A. Kilduff, et ux *
Petitioners *

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Administrative Variance for that property known as 1123 Engleberth Road, located in the vicinity of Holly Neck Road in Essex. The property is located within the Chesapeake Bay Critical Areas in the subdivision known as Eagles Nest and fronts directly on the Chesapeake Bay. The Petition was filed by the owners of the property, Eugene A. and Linda M. Kilduff. The Petitioners seek relief from Sections 1A04.3.B.3 and 301.1.A of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an open projection (deck) with a rear yard setback of 25 feet in lieu of the minimum required 37.5 feet. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted and there being no requests for public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or gener-

ORDER RECEIVED FOR FILING

Date

By

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al welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

As noted above, this property is located within the Chesapeake Bay Critical Areas and as such, is subject to compliance with the recommendations made by the Department of Environmental Protection and Resource Management (DEPRM), pursuant to Section 500.14 of the Baltimore County Zoning Regulations (B.C.Z.R.). Based upon the comments submitted by DEPRM dated May 31, 1996, the relief granted herein shall be conditioned upon the proposed construction meeting the design criteria for pervious decks.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.


THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 14th day of June, 1996 that the Petition for Administrative Variance seeking relief from Sections 1A04.3.B.3 and 301.1.A of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an open projection (deck) with a rear yard setback of 25 feet in lieu of the minimum required 37.5 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

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Date 6/14/96
Bjz

2) Compliance with the comments submitted by the Department of Environmental Protection and Resource Management (DEPRM), dated May 31, 1996, and the comments submitted by the Development Plans Review Division, dated June 3, 1996, copies of which are attached hereto and made a part hereof.

3) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.


LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING
Date 6/15/96
By [Signature]

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development
Management

Date: June 3, 1996

FROM: Robert W. Bowling, Chief
Development Plans Review Division

SUBJECT: Zoning Advisory Committee Meeting
for June 3, 1996
Item No. 452

The Development Plans Review Division has reviewed the subject zoning item. This site is located along the 100-year frequency tidal floodplain and as such, the development of property within the limits of the tidal action must adhere to the Baltimore County Building Code.

RWB:HJO:jrb

cc: File

ZONE11A

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ORDER RECEIVED FOR FILING
6/14/96
By [signature]

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

June 14, 1996

Mr. & Mrs. Eugene A. Kilduff
1123 Engleberth Road
Baltimore, Maryland 21221

RE: PETITION FOR ADMINISTRATIVE VARIANCE
NE/S Engleberth Road, 21,112' S of Holly Neck Road
(1123 Engleberth Road)
15th Election District - 5th Councilmanic District
Eugene A. Kilduff, et ux - Petitioners
Case No. 96-452-A

Dear Mr. & Mrs. Kilduff:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Permits and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Lawrence E. Schmidt".

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Chesapeake Bay Critical Areas Commission
45 Calvert Street, 2nd Floor, Annapolis, Md. 21401

DEPRM; People's Counsel

File

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CRITICAL
AREA



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 1123 ENGLEBERTH Road. 21221
which is presently zoned R.C.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1A04.3.B.3 and 301.1A

To allow an open projection (deck) with a rear yard setback of 25 ft.
in lieu of minimum required 37.5 ft.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

SEE REVERSE

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition

Contract Purchaser/Lessee

Legal Owner(s)

(Type or Print Name)

EUGENE A. KILDUFF
(Type or Print Name)

Signature

Signature

Address

LINDA M. KILDUFF
(Type or Print Name)

City

State

Zipcode

Signature

Attorney for Petitioner

HOME (410) 686-1149 WORK (410) 752-

(Type or Print Name)

1123 ENGLEBERTH Rd. 8313
Address Phone No

Signature

BALTIMORE Md. 21221
City State Zipcode

Name, Address and phone number of representative to be contacted

Address

Phone No

Name

City

State

Zipcode

Address

Phone No

A Public Hearing having been requested and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this ____ day of _____, 19____ that the subject matter of this petition be set for a public hearing, advertised, as required by the Zoning Regulations of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and that the property be reposted.

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Zoning Commissioner of Baltimore County

REVIEWED BY: JS

DATE: 5-14-96

ESTIMATED POSTING DATE: 5-24-96

Printed with Soybean Ink
on Recycled Paper

ITEM #: 452

ORDER RECEIVED FOR FILING

Date

By

J-1517193
139A

Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

96-452-A

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 1123 ENGLEBERTH Road.
address
BALTIMORE Md. 21221
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (indicate hardship or practical difficulty)

A SEPARATE PERMIT TO CONSTRUCT THIS DECK WAS NOT OBTAINED BECAUSE WE THOUGHT THE DECK WAS INCLUDED IN THE ORIGINAL PERMIT WHEN THE HOUSE WAS BUILT IN 1992. A FRONT DOOR WAS REQUIRED TO BE BARRED UNTIL THE DECK WAS COMPLETED. CONSTRUCTION OF THE DECK WAS STARTED IN JUNE 1995. WE HAVE ALREADY INVESTED \$2,000 IN LUMBER. OTHER HOUSES ON THE ROAD AND BOTH NEIGHBORS ON EITHER SIDE HAVE DECKS IN ORDER TO ENJOY THE WATER FRONT VIEW.

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Eugene A. Kilduff
(signature)
EUGENE A. KILDUFF
(type or print name)



Linda M. Kilduff
(signature)
LINDA M. KILDUFF
(type or print name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 13th day of May, 1996, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

EUGENE A. KILDUFF, LINDA M. KILDUFF

the Affiants(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

5/13/96
date

Rose A. Hensel
NOTARY PUBLIC

My Commission Expires: 2-1-97

ZONING DESCRIPTION

96-452-A

ZONING DESCRIPTION FOR — 1123 ENGLEBERTH ROAD #21221

BEGINNING AT A POINT ON THE EAST SIDE OF
ENGLEBERTH ROAD WHICH IS 14 feet
WIDE AT THE DISTANCE OF 2,112 feet OF THE
CENTERLINE OF THE NEAREST IMPROVED INTERSECTING STREET HOLLY NECK ROAD
WHICH IS 20 feet WIDE. BEING LOT # 32
BLOCK _____ SECTION # _____ IN THE SUBDIVISION OF ESSEX, EAGLES
NEST POINT AS RECORDED IN BALTIMORE COUNTY PLAT BOOK # 08, FOLIO # 070,
CONTAINING 9,750 Sq. ft. ALSO KNOWN AS 1123 ENGLEBERTH ROAD
AND LOCATED IN THE 15TH ELECTION DISTRICT, 5TH COUNCILMANIC DISTRICT.

#452

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Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

96-452-A

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 452 Petitioner: LINDA M. KILDUFF

Location: 1123 ENGLEBERTH Road # 21221

PLEASE FORWARD ADVERTISING BILL TO:

NAME: LINDA KILDUFF

ADDRESS: 1123 ENGLEBERTH Rd.
BALTIMORE, Md. 21221

PHONE NUMBER: (410) 686-1149



Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS: 1123 ENGLEBERTH Road.

see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: EAGLES WEST

plat book# , folio# 32, lot# 32, section#

OWNER: EUGENE + LINDA Kilduff



North

date:
prepared by:

Scale of Drawing: 1" =

LOCATION INFORMATION



Vicinity Map
North
Scale: 1"=1000'

Election District: 15
Councilmanic District: 5

1"=200' scale map#:

Zoning: R.C.5

Lot size 0.22 acreage 9750 square feet

150' deep
65" wide

SEWER: ☐ public ☒ private

WATER: ☒ yes ☐ no

Chesapeake Bay Critical Area: ☒ yes ☐ no

Prior Zoning Hearings:

Zoning Office USE ONLY!

reviewed by: ITEM #: CASE#:



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

May 24, 1996

NOTICE OF CASE NUMBER ASSIGNMENT

Re: CASE NUMBER: 96-452-A (Item 452)
1123 Engleberth Road
E/S Engleberth Road, 21,112' of c/l Holly Neck road
15th Election District - 5th Councilmanic
Legal Owner(s): Eugene A. Kilduff and Linda M. Kilduff

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Contact made with this office regarding the status of this case should reference the case number and be directed to 887-3391. This notice also serves as a refresher regarding the administrative process.

- 1) Your property will be posted on or before May 26, 1996. The closing date (June 10, 1996) is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. They may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.
- 2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reposted and notice of the hearing will appear in a Baltimore County newspaper. Charges related to the reposting and newspaper advertising are payable by the petitioner(s).
- 3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$60.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION VIA PICK-UP. WHEN READY, THE ORDER WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL.

A handwritten signature in cursive script, reading "Arnold Jablon".

Arnold Jablon
Director

cc: Eugene and Linda Kilduff

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Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

June 5, 1996

Eugene and Linda Kilduff
1123 Engleberth Road
Baltimore, MD 21221

RE: Item No.: 452
Case No.: 96-452-A
Petitioner: Eugene Kilduff, et ux

Dear Mr. and Mrs. Kilduff:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on May 14, 1996.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Roslyn Eubanks in the zoning office (887-3391).

Sincerely,


W. Carl Richards, Jr.
Zoning Supervisor

WCR/re
Attachment(s)



B A L T I M O R E C O U N T Y , M A R Y L A N D

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
 Permits and Development
 Management

DATE: June 3, 1996

FROM: Pat Keller, Director
 Office of Planning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning has no comments on the following petition(s):

Item Nos. 439, 450, 451, 452, 453, 454, 455, 457 and 459.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3495.

Prepared by:

Jeffrey W. Long

Division Chief:

Daryl L. Kerns

PK/JL/lw

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Baltimore County Government
Fire Department



700 East Joppa Road
Towson, MD 21286-5500

Office of the Fire Marshal
(410) 887-4880

DATE: 05/30/96

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF MAY 28, 1996

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 439, 450, 451, 452, 453, 454,
455, 456, 457 and 459.

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

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FEDERAL EMERGENCY MANAGEMENT AGENCY NATIONAL FLOOD INSURANCE PROGRAM

96-452-A

This form is to be used for: 1) First FIRM information only when the base flood information is available for the building, and 2) Pre-FIRM buildings rated using Part 1 of the FIRM. Instructions for completing this form can be found on the back of the form.

EUGENE A. KILDUFF & LINDA M. KILDUFF

BUILDING OWNER'S NAME

POLICY NUMBER

1123 ENGLEBERTH ROAD

STREET ADDRESS

Apt./Unit/U. Suite-S/Bldg. B

NO.

ROUTE

BOX NUMBER

OTHER DESCRIPTION (Block and lot numbers, etc.)

BALTIMORE

CITY

MARYLAND

STATE

21221

ZIP CODE

This form is to be completed by a land surveyor, engineer, or architect who is authorized by state law to certify elevation information when the elevation information for zones A1-A30, AE, AH, A(with BFE), V1-V30, VE, and V(with BFE) is required. In the case of zone AO, the building official, the property owner, or the owner's representative should complete the information in Section I and may also complete the certification. Community officials who are authorized by local law or ordinance to provide floodplain management information may also complete this form.

1. Using the Flood Insurance Manual or the NFIP Flood Insurance Application—Part 2 Worksheet, indicate the proper diagram number.
2. FIRM Zones A1-A30, AE, AH, and A (with BFE). The top of the reference level floor from the selected diagram is at an elevation of 19.77 feet NGVD. (or other datum—see #5)
3. FIRM Zones V1-V30, VE, and V (with BFE). The bottom of the lowest horizontal structural member of the reference level floor from the selected diagram is at an elevation of N/A feet NGVD (or other datum—see #5).
4. FIRM Zone AO. The floor used as the reference level from the selected diagram is 19.2 feet above highest natural grade next to the building (also enter in line 8). This value must be equal to or greater than the AO Zone flood depth number listed below. If no flood depth number is available, is the building's lowest floor (or reference level) elevated in accordance with the community's floodplain management ordinances? ☐ Yes ☐ No ☒ Unknown
5. Indicate the elevation datum system used in determining the above reference level elevations. ☐ NGVD ☒ Other (describe on back)
6. Indicate the elevation datum system used on the FIRM for base flood elevations: ☐ NGVD ☒ Other (describe on back)

(ATTENTION: If the elevation datum used in measuring the elevations is different than that used on the FIRM, then the elevations provided must be converted to the datum system used on the FIRM.)

7. Is the reference level based on actual construction? ☒ Yes ☐ No*
 * A "No" answer is only valid if the building does not have the reference level floor in place. Fill in the elevation based on construction drawings and do not complete question #8. If "No" is checked, this certification will be valid only for buildings in the course of construction. After construction of the reference level floor is completed, a post-construction elevation certificate will be required for continued flood insurance coverage.

8. Provide the following measurements using the natural grade next to the building (round to the nearest foot).

a. The reference level is:

19.2 feet ☒ above ☐ below (check one) the highest grade.

11.2 feet ☒ above ☐ below (check one) the lowest grade.

b. The garage floor (if applicable) is: N/A

 feet ☐ above ☐ below (check one) the highest grade.

 feet ☐ above ☐ below (check one) the lowest grade.

SECTION II FLOOD INSURANCE RATE MAP INFORMATION

Provide the following from the proper FIRM (see Instructions on back—Date of FIRM) and accompanying insurance application:

COMMUNITY NO.	PANEL NO.	SUFFIX	DATE OF FIRM	FIRM ZONE	BASE FLOOD ELEV. (In AO Zone, use depth)	COMMUNITY ESTIMATED BASE FLOOD ELEVATION ESTABLISHED FOR ZONE A OR ZONE V, IF AVAILABLE
240010	0445	B	MAR 2, 1981	A10	10	N/A

Elevation reference mark used appears on FIRM ☒ Yes ☐ No (See reverse side for details)

SECTION III CERTIFICATION

This certification is to be signed by a land surveyor, engineer, or architect who is authorized by state law to certify elevation information when the elevation information for zones A1-A30, AE, AH, A(with BFE), V1-V30, VE, and V(with BFE) is required. In the case of zone AO, the building official, the property owner, or the owner's representative can sign the certification. Community officials who are authorized by local law or ordinance to provide floodplain management information, may also sign the certification. I certify that the information on this certificate represents my best knowledge of the data available. I understand that any false statement may be punishable by fine or imprisonment under 18 U.S. Code, Section 1001.

HERBERT MALMUD

CERTIFIER'S NAME

LICENSE NUMBER (or Affix Seal)

PRESIDENT

H. MALMUD & ASSO. INC.

TITLE

COMPANY NAME

100 CHURCH LANES

BALTIMORE MD 21208

ADDRESS

CITY

STATE

Herbert Malmud

MICROFILMED

JUNE 92

DATE

653-4511

PHONE

SIGNATURE

The insurance agent should attach the original copy of the completed form to the flood insurance policy application. The second copy should be supplied to the policyholder and the third copy retained by the agent. The fourth copy is for the local community permit office, if required.
THIS FORM MAY BE REPRODUCED.

FOR OPTIONAL COMMUNITY USE: Is the reference level also the lowest floor under the community's floodplain management ordinances?
☐ YES ☐ NO If NO the elevation of the lowest floor is _____ feet NGVD.

#452

593-117 (6/87)

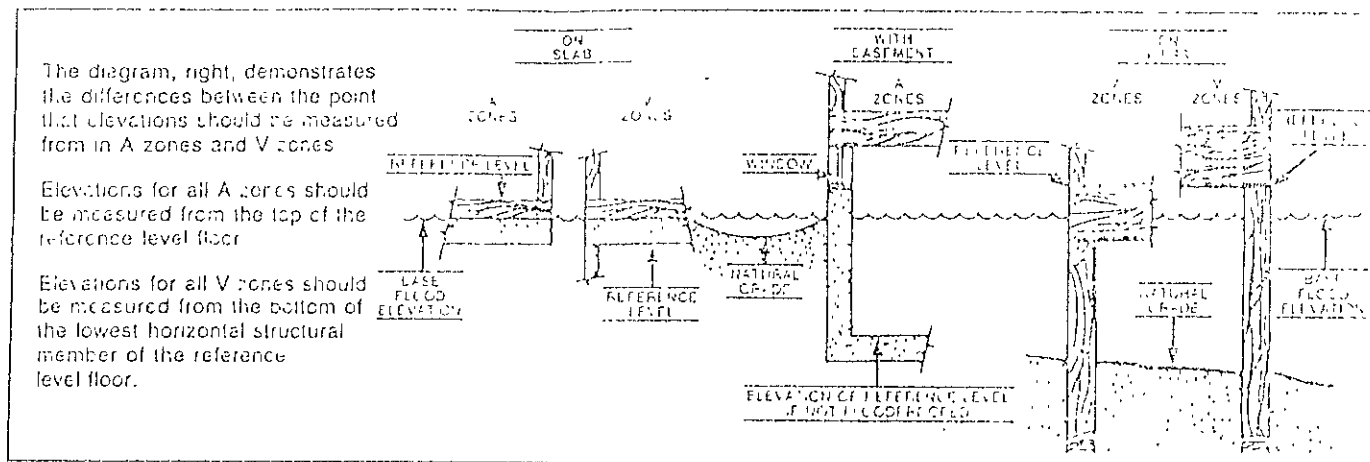
INSTRUCTIONS FOR COMPLETING THE ELEVATION CERTIFICATE

The Flood Insurance Manual and the Flood Insurance Application-Part 2 Worksheet contain information that are to be used to determine the reference level for the specific structure in question. The diagram on the right, taken from local insurance agents or the National Flood Insurance Program.

"Natural grade" is defined as the "grade unaffected by construction techniques such as fill, land reclamation, or burning."

A reference level is shown in each of the worksheet diagrams of the various building types. For property locations in zones A1-A30, AE, AH, and A (with BFE), Line 2 of the Elevation Certificate indicates that the elevation should be measured from the top of the reference level floor. For property locations in zones V1-V30, VE, and V (with BFE), Line 3 of the Elevation Certificate indicates that the elevation should be measured from the bottom of the lowest horizontal structural member of the reference level floor.

* The insured will determine the measurements using the "top of floor" from the Flood Insurance Part 2 Worksheet diagrams.



The reference level elevation may be reported to the same level of precision used to report base flood elevation on the FIRM (e.g., if the base flood elevation is shown to the nearest half foot, the reference level may be reported to the nearest half foot).

Base flood elevations are shown on the community's Flood Insurance Rate Map (FIRM) for zones A1-A30, AH, AE, V1-V30, and VE. Base flood elevations may also be on file with the community for zones A and V for all subdivisions and other new developments greater than 50 lots or 5 acres, whichever is the lesser, if the start of construction was after December 31, 1974.

Base flood depth numbers are shown on the community's Flood Insurance Rate Map (FIRM) for zone AO. These depth numbers should be used to compare with the height of the reference level floor above highest natural grade in Line 8 of the Elevation Certificate.

Elevation reference marks other than those shown on the FIRM may be used for reference level elevation determinations. In areas experiencing ground subsidence, the most recently adjusted reference mark elevations available must be used for elevation determinations. If a reference mark not shown on the FIRM is used, identify the reference mark used in the comment section.

Date of FIRM used in Section II of the Elevation Certificate can be either the date of the FIRM in effect when the certification is being provided or the date of the FIRM that was in effect at the time the building was constructed.

COMMENTS:

ELEVATIONS TAKEN 27 MAY 92 BASED
ON BALTIMORE COUNTY DATUM
FIRM BASE FLOOD ELEVATIONS BASED
ON BALTIMORE COUNTY DATUM.
BALTIMORE COUNTY BENCH MARK USED:
8678, ELEVATION 17.402

NOTE TO INSURANCE AGENTS: The reference level is the bottom of the slab (if present) support. Agents should refer to the Flood Insurance Manual for the correct measurement point.

96-452-A

On May 4, 1996, I spoke to my next door
neighbor, Mr Paul Lonscak
1125 Englebert Road
phone - 682-4943

On May 11, 1996, I spoke to my other next
door neighbor, John & Bella Munch
9121 Englebert Road
phone - 687-7465

My neighbors have absolutely no objections
to my building a deck on the front of
my home.

You may feel free to contact them if
necessary.

Linda M. Kilduff

96-452-A

ADJACENT PROPERTIES

1126 ENGLEBERTH ROAD

MARIE Z. TELLIS

LINDA M. KILDUFF

LOT #: 39, 40, 41

SUBDIVISION: EAGLES NEST POINT

TAX ACCT. #: 15-25-450420

1121 ENGLEBERTH ROAD

JOHN MUNCK

BELLA MUNCK

LOT #: 33

SUBDIVISION: EAGLES NEST POINT

TAX ACCT. #: 1519712530

1125 ENGLEBERTH ROAD

PAVEL ~~PAHL~~ LONSCAR

GLORIA LONSCAR

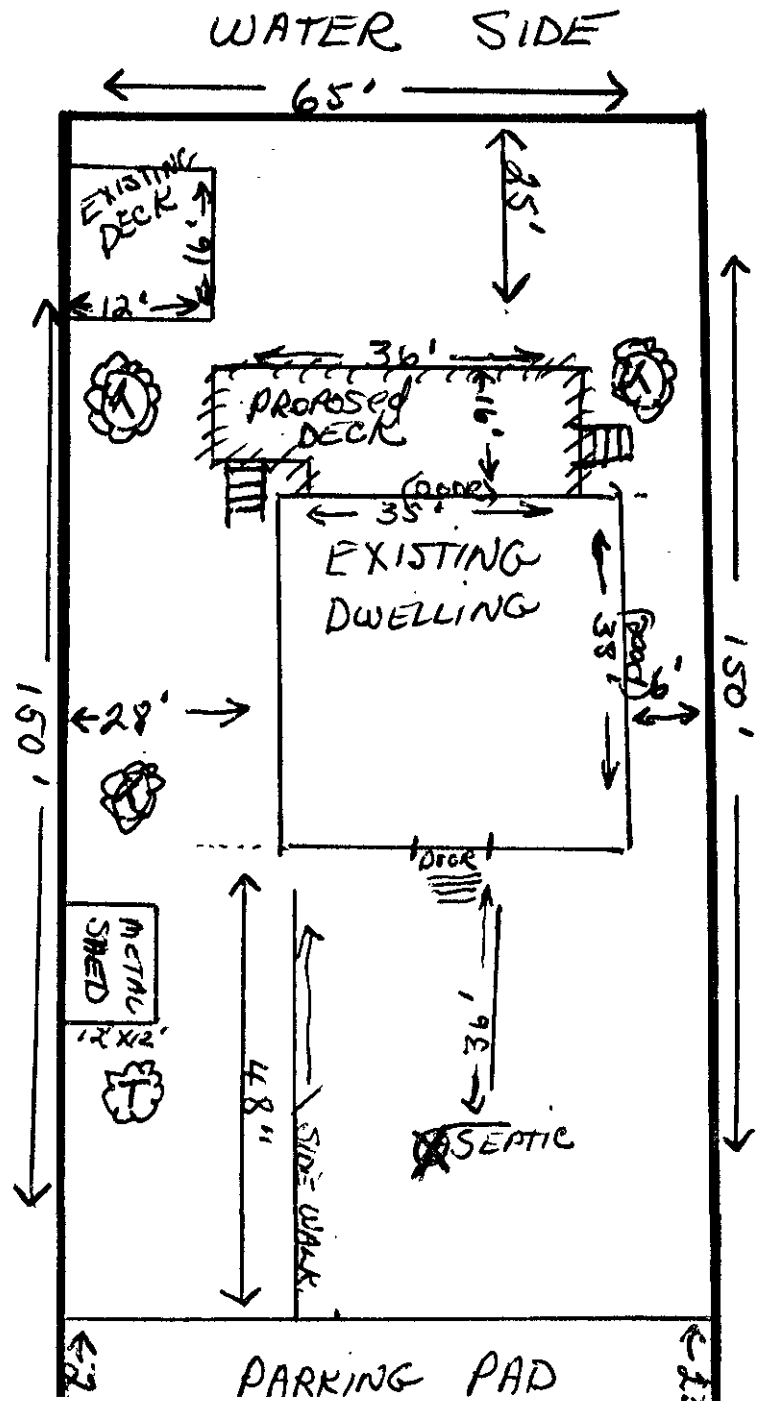
LOT #: 31

SUBDIVISION: EAGLES NEST POINT

TAX ACCT. #: 1519070081

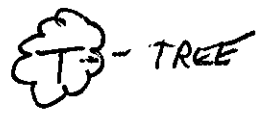
MICROFILMED

PROPERTY ADDRESS: 1123 ENGLEBERTH Road
SUBDIVISION NAME: EAGLE'S NEST
PLAT BOOK # Folio # Lot # 32 SECTION #
OWNER: EUGENE & LINDA KILDUFF



Kodak ds
digital science™
DEMO

LOT #
32
ROAD

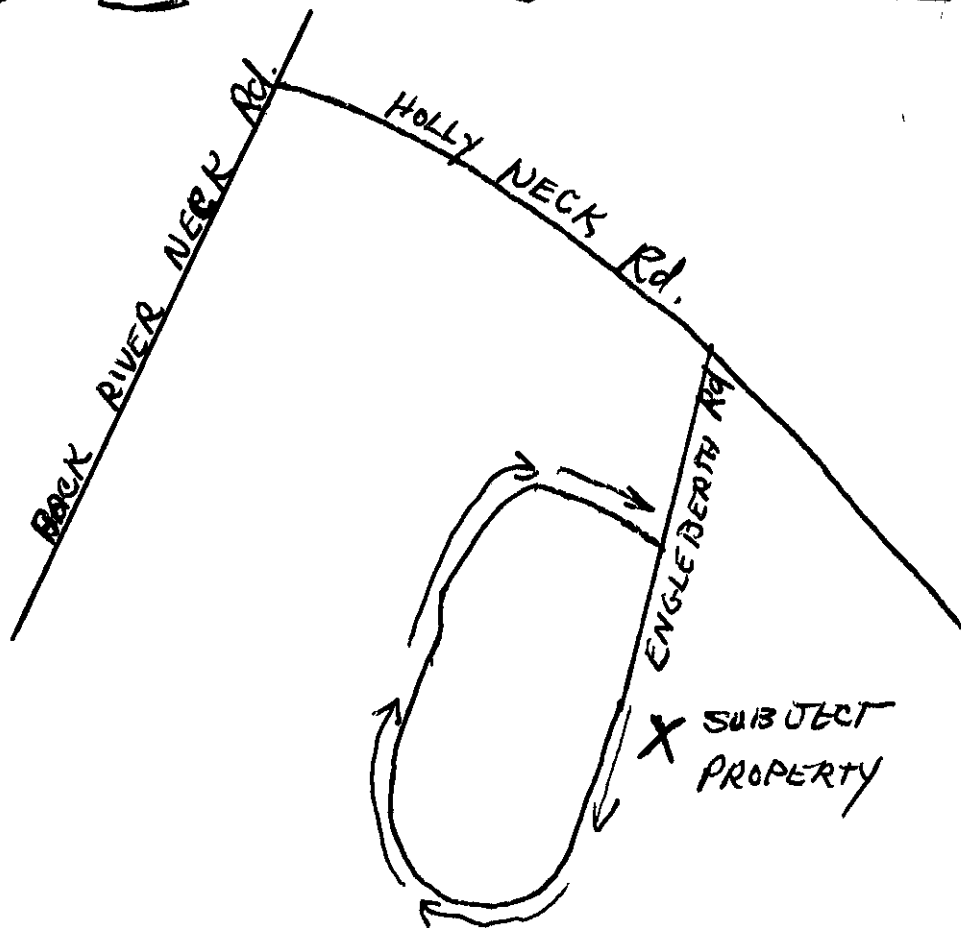


Scale of drawing
date: MAY
PREPARED BY: J

PLAN



VARIANCE



LOCATION INFORMATION

ELECTION DISTRICT: 15

COUNCILMANIC DISTRICT: 5

1"=200' - scale map: SE 2K

ZONING: RC 5

LOT SIZE: $\frac{0.22}{\text{acreage}}$ $\frac{9750}{\text{square feet}}$

150' deep } LOT SIZE
65' wide } IN FEET

PUBLIC PRIVATE

SEWER: X

WATER: X

Chesapeake Bay CRITICAL AREA yes X

ING: 1"=20'

12, 1996

LINDA Kilduff

#452

96-452-A

RECORDED

96-452-A



WATER SIDE
EAST

PROPOSED
DECK

STOP WORK
NOTICE
dated 2/22/96

Inspector.
Glenn Berry



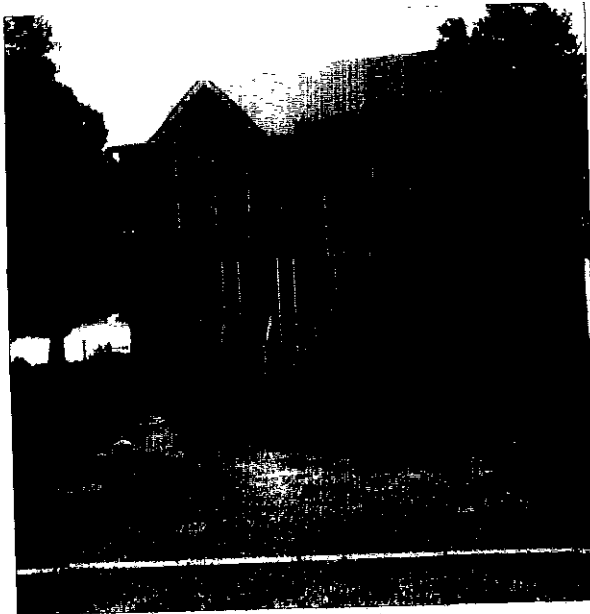
NORTH SIDE
of SOUTH

452

MICROFILMED

96-452-A

PETITIONER(S) EXHIBIT ()



ROAD SIDE
~~EAST~~ WEST



~~SIDE~~ SOUTH SIDE

#452

MICROFILMED

96-3210

6/4/96
V

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management

May 31, 1996

FROM: Robert A. Wirth *RAW/RMS*
DEPRM

SUBJECT: Zoning Item #452 - Kilduff Property
1123 Engleberth Road
Zoning Advisory Committee Meeting of May 28, 1996

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code).

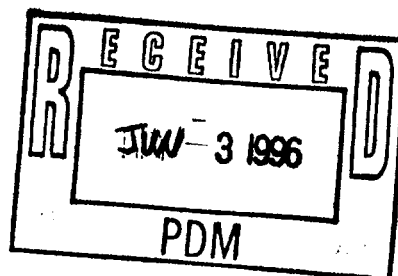
Environmental Impact Review

This property is within a Chesapeake Bay Critical Area Buffer Management Area (BMA). Consequently, a pervious deck may be constructed waterward of the existing dwelling, provided it meets BMA design criteria for pervious decks and that adequate mitigation is provided as required in the BMA Regulations.

RAW:GS:sp

cc: Eugene & Linda Kilduff

KILDUFF/DEPRM/TXTSBP



MICROFILMED

ORDER RECEIVED FOR FILING

Date

BY

IN RE: PETITION FOR ADMIN. VARIANCE
NE/S Engleberth Road, 21,112' S
of Holly Neck Road
(1123 Engleberth Road)
15th Election District
5th Councilmanic District
Eugene A. Kilduff, et ux
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 96-452-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Administrative Variance for that property known as 1123 Engleberth Road, located in the vicinity of Holly Neck Road in Essex. The property is located within the Chesapeake Bay Critical Areas in the subdivision known as Eagles Nest and fronts directly on the Chesapeake Bay. The Petition was filed by the owners of the property, Eugene A. and Linda M. Kilduff. The Petitioners seek relief from Sections 1A04.3.B.3 and 301.1.A of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an open projection (deck) with a rear yard setback of 25 feet in lieu of the minimum required 37.5 feet. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted and there being no requests for public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or gener-

al welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

As noted above, this property is located within the Chesapeake Bay Critical Areas and as such, is subject to compliance with the recommendations made by the Department of Environmental Protection and Resource Management (DEPRM), pursuant to Section 500.14 of the Baltimore County Zoning Regulations (B.C.Z.R.). Based upon the comments submitted by DEPRM dated May 31, 1996, the relief granted herein shall be conditioned upon the proposed construction meeting the design criteria for pervious decks.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 14th day of June, 1996 that the Petition for Administrative Variance seeking relief from Sections 1A04.3.B.3 and 301.1.A of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an open projection (deck) with a rear yard setback of 25 feet in lieu of the minimum required 37.5 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

- 2 -

2) Compliance with the comments submitted by the Department of Environmental Protection and Resource Management (DEPRM), dated May 31, 1996, and the comments submitted by the Development Plans Review Division, dated June 3, 1996, copies of which are attached hereto and made a part hereof.

3) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

LES:bjs

Lawrence E. Schmidt
LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING
Date 6/14/96
By [Signature]

- 3 -

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management
May 31, 1996

FROM: Robert A. Wirth *RAW/RW*
DEPRM

SUBJECT: Zoning Item #452 - Kilduff Property
1123 Engleberth Road
Zoning Advisory Committee Meeting of May 28, 1996

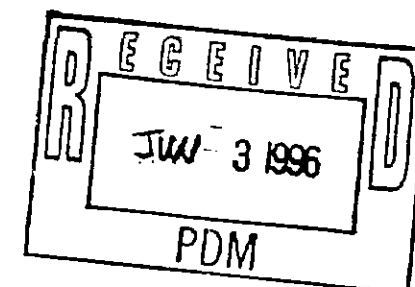
The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code).

Environmental Impact Review

This property is within a Chesapeake Bay Critical Area Buffer Management Area (BMA). Consequently, a pervious deck may be constructed waterward of the existing dwelling, provided it meets BMA design criteria for pervious decks and that adequate mitigation is provided as required in the BMA Regulations.

RAW:GS:sp
Eugene & Linda Kilduff
KILDUFF/DEPRM/TXTSBP



BALTIMORE COUNTY, MARYLAND INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development
Management
Date: June 3, 1996

FROM: Robert W. Bowling, Chief
Development Plans Review Division

SUBJECT: Zoning Advisory Committee Meeting
for June 3, 1996
Item No. 452

The Development Plans Review Division has reviewed the subject zoning item. This site is located along the 100-year frequency tidal floodplain and as such, the development of property within the limits of the tidal action must adhere to the Baltimore County Building Code.

RWB:HJO:jrb
cc: File

Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

June 14, 1996

(410) 887-4356

Mr. & Mrs. Eugene A. Kilduff
1123 Engleberth Road
Baltimore, Maryland 21221

RE: PETITION FOR ADMINISTRATIVE VARIANCE
NE/S Engleberth Road, 21,112' S of Holly Neck Road
(1123 Engleberth Road)
15th Election District - 5th Councilmanic District
Eugene A. Kilduff, et ux - Petitioners
Case No. 96-452-A

Dear Mr. & Mrs. Kilduff:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Permits and Development Management office at 887-3391.

Very truly yours,

Lawrence E. Schmidt
LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Chesapeake Bay Critical Areas Commission
45 Calvert Street, 2nd Floor, Annapolis, Md. 21401

DEPRM; People's Counsel

File

Petition for Administrative Variance to the Zoning Commissioner of Baltimore County for the property located at 1123 ENGLEBERTH ROAD, MD. 21221 which is presently zoned R.C.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.
The subject property is located in Baltimore County and is zoned R.C.5 in the description and plat attached hereto and made a part hereof. The property is located in the 15th Election District and is subject to the provisions of the Baltimore County Zoning Regulations (B.C.Z.R.) and the Baltimore County Code.

The Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons, and the same shall be a part hereof:

SEE REVERSE

Property is to be posted and advertised as prescribed by Zoning Regulations.

On the subject property, the following information is being given: a copy of the petition and the Baltimore County Zoning Regulations (B.C.Z.R.) and the Baltimore County Code.

Signature of Petitioner

Eugene A. Kilduff
EUGENE A. KILDUFF

Signature of Zoning Commissioner

Linda M. Kilduff
LINDA M. KILDUFF

Signature of Attorney

Linda M. Kilduff
LINDA M. KILDUFF
HOME (410) 686-1149 WORK (410) 732-8313
1123 ENGLEBERTH RD. 21221
BALTIMORE MD 21221

Signature of Notary Public

Linda M. Kilduff
LINDA M. KILDUFF

Signature of Notary Public

Linda M. Kilduff
LINDA M. KILDUFF

Signature of Notary Public

Linda M. Kilduff
LINDA M. KILDUFF

Signature of Notary Public

Linda M. Kilduff
LINDA M. KILDUFF

A Public Hearing having been held and the facts being as stated in the petition, the Zoning Commissioner of Baltimore County, in accordance with the Baltimore County Zoning Regulations (B.C.Z.R.) and the Baltimore County Code, has granted the petition for administrative variance.

It is the order of the Zoning Commissioner of Baltimore County, that the petition for administrative variance be granted, subject to the following conditions:

1. The petitioner shall file a copy of this order with the Department of Permits and Development Management.

2. The petitioner shall file a copy of this order with the Department of Environmental Protection and Resource Management.

3. The petitioner shall file a copy of this order with the Department of Public Works.

4. The petitioner shall file a copy of this order with the Department of Planning and Economic Development.

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96-452-A

On May 4, 1996, I spoke to my next door neighbor, Mr. Paul Lonscar, 1125 Englebert Road, phone - 682-4943

On May 11, 1996, I spoke to my other next door neighbor, John & Bella Munch, 1121 Englebert Road, phone - 687-7465

My neighbors have absolutely no objections to my building a deck on the front of my home.

You may feel free to contact them if necessary.

Linda M. Kilduff

#452

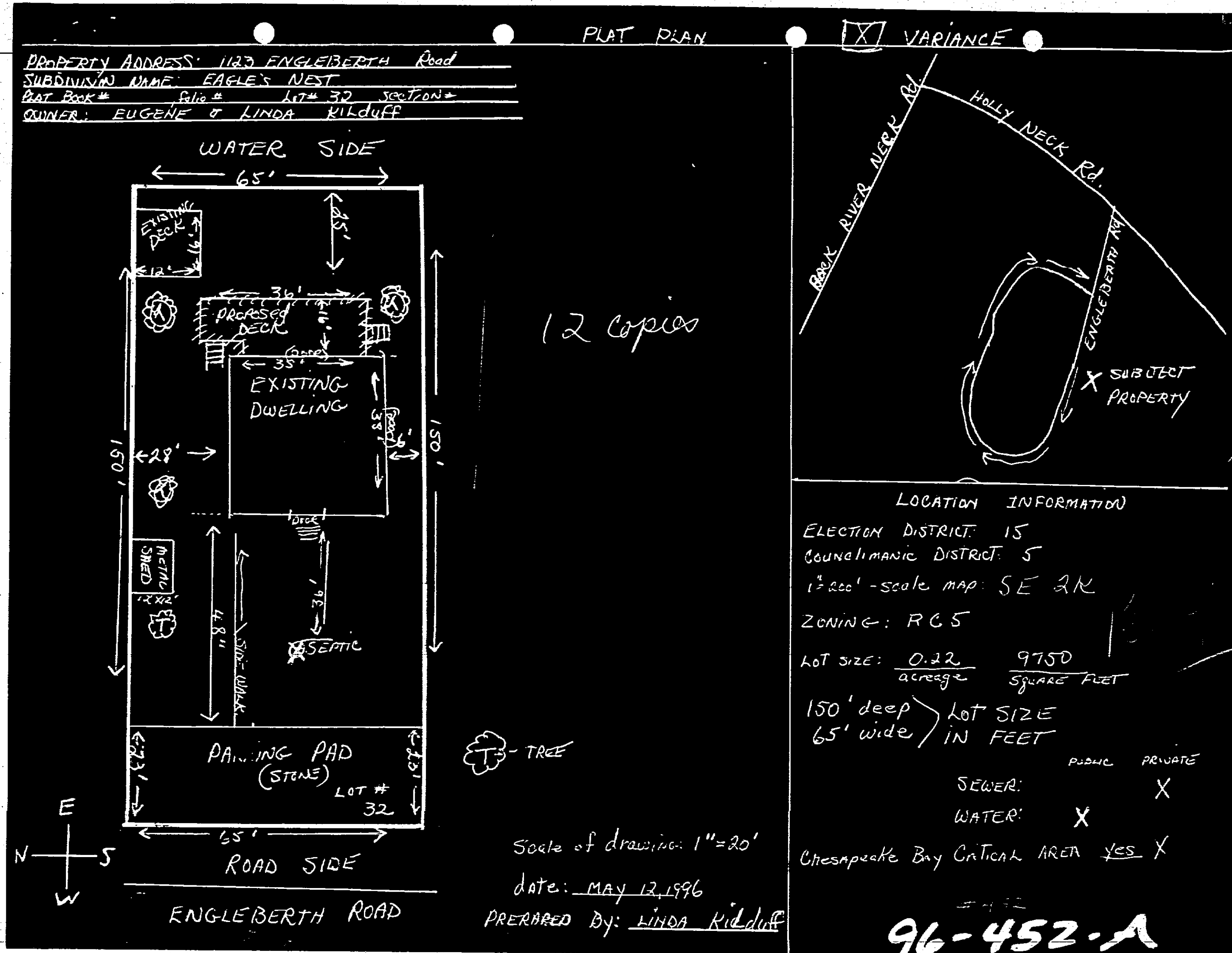
ADJACENT PROPERTIES

96-452-A

1126 ENGLEBERTH ROAD
MARIE Z. TELLIS
LINDA M. KILDUFF
LOT #: 39, 40, 41
SUBDIVISION: EAGLES NEST POINT
TAX ACCT. #: 15-25-450420

1121 ENGLEBERTH ROAD
JOHN MUNCH
BELLA MUNCH
LOT #: 33
SUBDIVISION: EAGLES NEST POINT
TAX ACCT. #: 1519712530

1125 ENGLEBERTH ROAD
PAUL ~~PAUL~~ LONSCAR
GLORIA LONSCAR
LOT #: 31
SUBDIVISION: EAGLES NEST POINT
TAX ACCT. #: 1519070081



PETITIONER(S) EXHIBIT ()

96-452-A



WATER SIDE
EAST



NORTH SIDE
of SOUTH

PROPOSED
DECK

STOP WORK
NOTICE
dated 2/22/96

Inspector:
Alan Bary

#452

PETITIONER(S) EXHIBIT ()

96-452-A

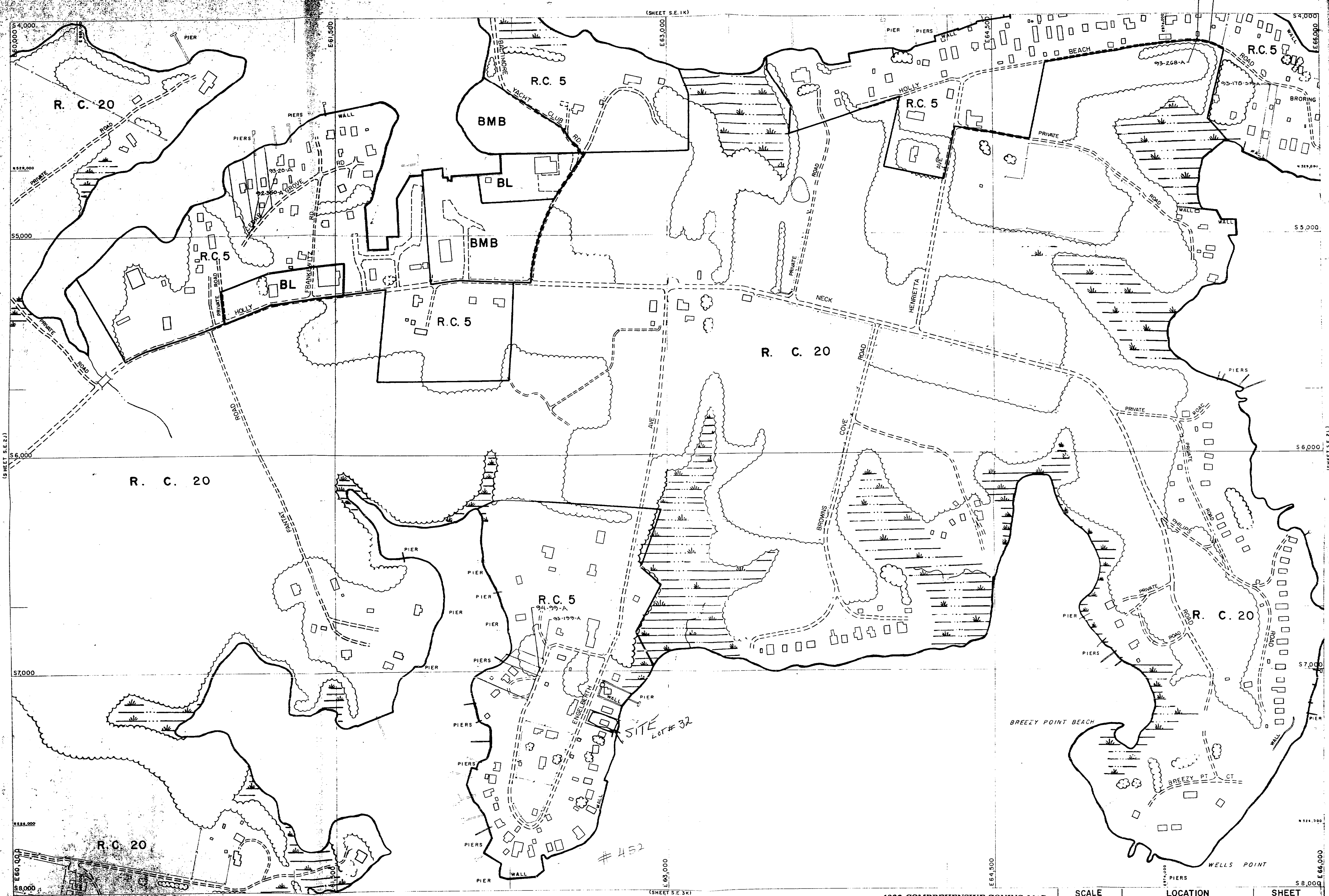


ROAD SIDE
WEST



SIDE SOUTH SIDE

#452



E-NE-22-NW

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY DUCHART-HUGH, INC. BALTIMORE, MD. 21210

96-452-A BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING OFFICIAL ZONING MAP

1992 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Oct. 15, 1992

William A. Howard
Chairman, County Council

SCALE	LOCATION	SHEET
1" = 200'	HOLLY NECK	S.E. 2-K
DATE OF PHOTOGRAPHY		
JANUARY 1986		



96-452-A BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

PREPARED BY AIR PHOTOGRAPHICS, INC.
MARTINSBURG, W.V. 25401

SCALE
1" = 200' ±

DATE
OF
PHOTOGRAPHY
JANUARY
1986

LOCATION
HOLLY NECK

SHEET
S.E.
2-K